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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,304	04/07/1999	AKIRA YAMAMOTO	0941.63012	6149
24978 7590 04/19/2007 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER PIZIALI, JEFFREY J	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/287,304

Examiner

Jeff Piziali

Applicant(s)

YAMAMOTO ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 25 January 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

*04/12/07*

## Continuation of 4(e) Other:

First and foremost, the applicants are cordially thanked for the 'Response to Notice of Non-Compliant Amendment' filed 25 January 2007. However, at least one seemingly non-compliant claim amendment has been discovered in the aforementioned paper, requiring attention before examination may proceed.

37 C.F.R. § 1.121(c)(2) requires, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of 'currently amended,' and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of 'currently amended,' or 'withdrawn' if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as 'withdrawn-currently amended.' "

In this case, the immediate prior version of the claims was submitted in 'Amendment M' (filed 27 April 2006).

However, the 'Response to Notice of Non-Compliant Amendment' filed 25 January 2007 improperly uses the status identifier of "Original" with claim 2 (see page 3), without providing markings to indicate any changes have been made relative to the immediate prior version of the claims.

The subject matter of claim 2 (as filed 25 January 2007) does mirror the originally submitted version of claim 2.

However, claim 2 was amended in 'Amendment E' (filed 14 July 2003 -- see pages 2-3). This change to claim 2 was documented in later amendments 'Amendment G' (filed 25 February 2004), 'Amendment H' (filed 2 July 2004), 'Supplemental Amendment K' (filed 20 June 2005), 'Amendment L' (filed 31 October 2005), and 'Amendment M' (filed 27 April 2006).

37 C.F.R. § 1.121(c) states, "The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application."

As such, the immediate prior version of the claims found in 'Amendment M' (filed 27 April 2006) replaced all prior versions of the claims.

Any changes made to claim 2 (relative to the immediate prior version of the claims found in 'Amendment M' filed 27 April 2006) in a forthcoming amendment, must be indicated via the status identifier of 'currently amended,' and the text of any added subject matter must be shown by underlining the added text.

By such reasoning, this Notice of Non-Compliance is deemed necessary and proper at this time.

Please note: The amendment has not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered at the time of a subsequent amendment, yet another Notice of Non-Compliant Amendment will be necessitated. Applicants' cooperation is requested in correcting any other errors of which applicants may become aware.



Jeff Piziali  
12 April 2007